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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,461	06/19/2000	Ofer Komem	E02/1	3029
7590	02/24/2004		EXAMINER	
Dr D Graeser Ltd c/o The Folkinghorns 9003 Florin Way Upper Marlboro, MD 20772			CUFF, MICHAEL A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/597,461	KOMEM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Cuff	3627	MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 January 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Amendment***

1. Applicant's amendment and affidavit, filed 6/3/03, have been received, entered and considered. Claims 1, 23 and 24 have been amended. Claims 25-29 have been added.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23, 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites "hedging is performed at the point of sale". It is not clear, in an Internet transaction, where the point of sale is. For the purposes of prosecution, the examiner will consider the entire Internet to be the point of sale.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Sullivan et al.

Sullivan et al. Shows, figure 2, a computer-implemented universal financial management system and method. A feature of the present invention is that a centrally-located universal financial management/translation mechanism 100, that has communications access to one of a variety of different interfaces, is positioned to provide the "price discovery" information that allows customers to use the mechanism to benefit from competitive currency conversion at wholesale conversion rates, with up-to-date currency rate conversion information, facilitating various financial transactions.

Individual user 2106 is shown to communicate with various intermediate applications 108, such as various e-commerce (payment) websites that involve payments within a national or multinational currency or payments in an international currency. For example, the individual user 2106 (local buyer) may bid on a particular device being offered on at an auction website, such as eBay.com, and upon the

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successful winning bid by the individual 2106 will allow the auction application 108, to convert the buyer's currency to the seller's currency at the time the auction closed.

(guaranteed) Accordingly, individual users need not be concerned with conversion rates, or question whether or not conversion rates will change rapidly from the time the sale is made to the time the individual receives the goods. (column 10, lines 23-36)

One connection between the mechanism 100 that is relevant for the conversion process, is to a currency trading mechanism 102, that in one embodiment, is a multi-currency money market fund, managed by a fund manager and employing the services of a currency trader (FOREX), for the purpose of trading various currencies on a nearly continuous basis. The currency trading mechanism 102 provides updated information regarding wholesale competitive currency exchange rates between various currencies and provides that information on a frequent basis back to the mechanism 100. (column 9, lines 44-53)

The funds may also be used to purchase equities managed by the mechanism 100. Alternatively, the deposit may be used to purchase contracts, such as options, derivatives, futures and hedge funds (hedging, hedging enabler process). The mechanism makes a record of the deposit, which is made in a first currency and subsequent transactions are debited and recorded against the deposit. Separate, but related accounts may be held for other currencies. (Different types of currency and accounts) (column 9, lines 27-34)

***Response to Arguments***

No arguments have been presented. The examiner does not believe that the change in claim language has distinguished the invention over the prior art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Michael Cuff 2/20/04*  
Michael Cuff  
February 20, 2004